

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 3:14-00045-01

DEMETRIUS D. THOMAS

MEMORANDUM OPINION AND ORDER

Pending before the Court is Demetrius D. Thomas’ “Emergency Motion for Compassionate Release” (ECF No. 125). The United States filed its response and Thomas’ medical records under seal. For the following reasons, the motion is **DENIED**.

In his motion, Thomas asserts that there are extraordinary and compelling reasons for release because there has been an outbreak of COVID-19 at FMC Lexington. The BOP is currently reporting that 439 inmates and 11 staff members have active cases at the facility.¹ This is a significant increase in positive cases since the Government filed its Response. *See* Gov. Resp. (noting there were 145 confirmed cases at the facility on December 14, 2020). Thomas further claims that he has an increased risk of serious complications if he contracts the virus due to his asthma, obesity, and hypertension. While Thomas did not provide medical records

¹ COVID-19 Cases, Federal Bureau of Prisons, <https://www.bop.gov/coronavirus/> (last visited Jan. 15, 2021).

to support his statements, the records supplied by the Government confirm that he has mild intermittent asthma, hypertension, and obesity diagnoses. The records also indicate that he has a prescription for an Albuterol inhaler.

This Court finds, however, that these medical conditions are not sufficiently serious to justify release. Moreover, although there has been an increase in the number of positive cases at FMC Lexington, it is a medical facility that can provide adequate care to inmates who contract the illness. Thus, it appears to this Court that the facility is managing the care of inmates testing positive in a satisfactory manner. As such, the Court do not constitute “extraordinary and compelling” reasons for release **DENIES** the motion.

The Court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: January 15, 2021



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE